That's plain conservative, common sense. During good times, you pay your debts, and you save a little. It also helps to protect Social Security and Medicare. Just paying down the debt will have a tremendous economic benefit to our country.

How? First, paying down the debt will free up more private capital so individual Americans can make more decisions along the lines they want, as they have in the last several years, which has helped boost this great economic growth. Paying down the debt means more private capital will be available. But perhaps more importantly, if the Federal government borrows less from the market, the private sector can borrow more. Government reduces its debt service costs and pressure on interest rates is reduced. And lower interest rates are a direct, tangible benefit to every businessman, farmer, home owner, and car purchaser.

Treasury Secretary Larry Summers said much the same thing yesterday morning. He told the Finance Committee that a major benefit of reducing the debt is to free money so that it is available to be productively invested by the private sector.

So, Mr. President, reducing the Federal debt is important to the continued growth of the private sector.

The second step is to set the right budget priorities. After debt reduction, we should invest where it will make the most sense for our economy. That means investment in people, investment in education, investment in infrastructure.

We can also do some good by creating incentives for private retirement savings. Retirees need more than just Social Security and we should address it this year.

And we should deal with other tax issues, too. These include reducing the marriage penalty, providing incentives for long-term health care, and helping communities conserve open space.

Those are all areas where I believe we can find strong bipartisan agreement.

I hope we could also find agreement not to go overboard with tax cuts. I know election years get the juices flowing. But I would just caution folks to remember our experience in the early 1980's with the exuberance for large tax cuts.

Two years after we enacted that tax cut—and I voted for it—Senator Dole had to come back and lead the damage control party. We had to increase taxes that year to repair the deficit problem. But it wasn't enough and we needed to do it again two years after that.

I don't know about my colleagues, but I've learned from that mistake. I don't want to lock in a big tax cut now only to find ourselves in two years digging out of a hole if the economy heads south. It's happened before!

Mr. President, I know that many observers have written off this year. They say it's an election year. That we won't get anything done. But we shouldn't write off this year quite yet. We have 120 legislative days left. It's not a lot of time.

But if we set solid budget priorities and we work together, then we can pass a budget that is responsible and invests in America, then this Congress can write a record of bipartisan accomplishment that will benefit all Americans.

I ask my colleagues to join together. If we do what is right—and we know what is right—we are going to be serving our country well. That is my plea.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

RECESS

Mr. MURKOWSKI. Mr. President, for the benefit of Senators, subject to the approval of the majority and minority leaders, it is our intention to break for lunch until 2:15.

I ask unanimous consent that we recess for lunch, that the time be counted on the bill, and we resume debate again at 2:15.

There being no objection, at 12:09 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. MURKOWSKI. Mr. President, we are still in the process of trying to resolve the nuclear waste bill. As the Chair is aware, last night we laid down the substitute amendment; that has been circulated in the body. We have some amendments pending, and I will identify those at a later time. It is a very short list. Some may be deemed by the Chair to be nongermane. I think we can begin the process now of addressing this legislation in a positive vein inasmuch as it would provide a workable methodology for the Federal program to ensure that our nuclear waste is managed safely and efficiently.

My point in highlighting this is to identify the value of this legislation, as it stands, with the substitute filed last night. I went through an extended statement yesterday indicating that nuclear energy produces 20 percent of our electricity today. We simply cannot jeopardize our economic future by ignoring the contribution the nuclear industry makes to our Nation and the realization that the industry is choking on its waste. And the idea remains of losing 103 nuclear powerplants over a period of time because of the Federal Government's failure to honor the sanctity of the contractual commitment to take that waste in 1998, even though the ratepayers contributed some $15 billion to the Federal Government to ensure the Federal Government would have the funds to take and dispose of the waste. Well, we are all aware of the realities associated with the inability of the Government to do that, to fulfill that contract and honor the sanctity of that contractual commitment.

What isn't generally known or understood is the extent of liability associated with the failure of the Government to perform its contractual obligation. I have indicated that it is full employment for some lawyers. The liability is somewhere between $40 billion and $80 billion for failure of performance.

I think we agree that we have an obligation to come together to solve this problem on behalf of the American taxpayers, where each family is subjected to an allocation cost of about $1,400 per family in this country each year as we delay the process. We have made substantial progress in addressing these issues and working with my friends from Utah—and I am sensitive to their particular position—as well as the minority and the ranking member from New Mexico, for whom I have the greatest respect. As a consequence, I believe this bill provides significant benefits to the consumers, who have paid $15 billion-plus for this Federal disposal program, and the program direction we have in this legislation for the Energy Department which must carry out this important environmental obligation.

Now, the Senate should pass this legislation. The administration should support this approach to solving this critical national issue.

Senate bill 1287 provides important changes to existing law as embodied in my new substitute that allows the Department of Energy to meet its 1998 obligation to manage used nuclear fuel from nuclear powerplants which have already begun to run out of space in especially designed storage pools.

Further, it allows for the settlement of litigation, begins a process of settlement for litigation between these utilities and the Energy Department in a fair way, and eliminates costly litigation against the Federal government, hence the taxpayer.

This bill would protect the use of billions of dollars in the nuclear waste fund so it is used only for the repository program and not diverted to cover

the cost of long-term storage at these plants in some 40 States.

The fund itself could be used, however, to purchase containers to house the fuel. Those containers were used also to ship the fuel to a repository. I am not suggesting that is the case, but that is possible.

S. 1287 retains the EPA—I want to emphasize this—as the sole authority to establish radiation protection standards at Yucca Mountain and establishes a method for EPA to discuss the standards with the Nuclear Regulatory Commission and the National Academy of Sciences. But it preserves, in spite of what the Washington Post reported and the administration, the EPA as the sole authority to establish standards.

Finally, this bill protects consumers from unreasonable increases in Federal nuclear waste fund fees. It allows only Congress to increase those fees—not the Secretary of Energy.

Every Member of this Senate is going to have an opportunity to express his or her opinion if the fees are raised. It is not going to be an arbitrary decision from the Department of Energy.

These provisions represent a couple of areas in which we can by working together to craft a bill that provides the necessary leadership to finally move this program towards achieving the intent of the original Nuclear Waste Policy Act. I urge my colleagues to support this meaningful reform and begin the responsibility of managing nuclear waste from the 40 States at one location—not 40 locations.

I am pleased to say I have just learned Senator KERREY of Nebraska has come on as an original cosponsor of the legislation.

Briefly, the benefits of S. 1287 are:

Early receipt of used fuel at site in the year 2007 no later than 18 months after authorization of construction by the Nuclear Regulatory Commission is in the amendment.

There is protection. The nuclear waste fund section 105(e) ''source of funds'' states:

> The Secretary may not make expenditures in the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except:
>
> 1. The cost of acquiring and loading spent nuclear fuel casks;
>
> 2. The cost of transporting spent nuclear fuel from the contract holder's site to the repository; and ''. . .other costs required to perform settlement agreement or backup storage.''

Further, it prevents unreasonable increases in fees. Section 104 of the nuclear waste fee states:

> The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.

It provides for the development of a protective radiation standard, giving absolute authority for setting of a standard to the Environmental Protection Agency.

I want to repeat that.

It provides for the development of a protective radiation standard by giving the absolute authority for setting a standard to the Environmental Protection Agency, while acknowledging for the ability of the Nuclear Regulatory Commission to provide consultation and comments to Congress, as well as the hopeful contribution by the National Academy of Sciences so we can get the very best science on this. But the decision is still the EPA.

Specifically, the amendment drops the interim storage, requires Congress to approve any increases in fees to protect the consumer, sets the schedule for development of a repository, authorizes backup storage at a repository for any spent fuel that utilities ''cannot store onsite,'' and allows the Environmental Protection Agency to set a radiation standard after June 1, 2001; prior to those consultations, only with the NAS and the NRC to ensure we have the best science and that the standard is set. But it is EPA's responsibility under statute to set the standard. We want it based on the best science available.

Further, it authorizes a settlement agreement for outstanding litigation and requires an election to settle within 180 days as requested by the administration.

The idea is to start the settlement process within 6 months. It sets acceptance schedules for spent fuel and transfers 76,000 acres of land to Nevada counties to assist them with the impact of the repository in the counties.

It uses the WIPP model for transportation, which is currently used in New Mexico, consistent with existing law under HAZMAT. I want to emphasize this. The State will be selecting the routes so we can move this waste from the 40 States where it is located to one site at Yucca Mountain.

We included training provisions to ensure safety in the movement of that waste.

There was a question of transportation. The minority believed very strongly that we should not be subsidizing international research for the development of transmutation. We struck that from our original version.

We include the decommissioning of a pilot program for the sodium-cooler fast breeder reactor in Arkansas.

We included a study on the Prairie Island rate impact as well. But there are a couple of points I want to emphasize, specifically for Members of this body—and their staffs—from Delaware, West Virginia, Kentucky, Oklahoma, Wyoming, Montana, South Dakota, North Dakota, Hawaii, and my State of Alaska.

The significance of that list is that there are no commercial waste sites in those States. But we have a chart that shows where they are. They are in 40 other States. But they are not in Delaware, West Virginia, Kentucky, Oklahoma, Wyoming, Montana, South Dakota, North Dakota, Hawaii, or Alaska.

If you are paying attention to this debate, you should be interested in the disposition of waste that may be in one of your States—one of the 40 States.

This chart clearly identifies the various States where we have commercial reactors. We have shut down reactors. We have spent nuclear fuel storage. We have research reactors, naval reactor fuel, so forth and so on.

Several years ago, when we started on this legislative train to try to resolve this problem, there was a suggestion made and legislation was developed that said, well, since Yucca Mountain isn't ready, it is not licensed, and we have some of these storage plants that are in a critical stage, the volume of waste has either exceeded or is about to exceed the licensed storage in those plants, those States can shut those plants down.

What are you going to do to make up for the loss of that electric generation? That was left to a later date. The idea, then, was to move some of the waste from some of the critical reactors where storage had been built to a temporary repository at Yucca Mountain—put it in casks until Yucca Mountain was certified, licensed, and finalized. There are a lot of steps to go through.

There was great concern over that. Nevada felt there was a finality associated with it. In other words, it implies that once it is placed there it will never move again. They opposed that. The administration opposed it because they said we had not finalized and licensed Yucca Mountain. There is always a chance we won't be able to do that. Of course, that evades reality because we will still have to put it somewhere.

Let me share a letter which I think personifies where we are in this debate. It is from the Governors of the various States in the Northeast corridor, for the most part: Governor Dean, Democrat of Vermont; Governor King, Independent of Maine; Governor Shaheen, Democrat from New Hampshire; Jesse Ventura, Reform Party of Minnesota; Governor Tom Vilsack, Democrat of Iowa; Governor Jeb Bush of Florida; Governor John Kitzhaber. They sent a letter to the President which I highlighted the other day. We have come full circle on the issue.

The letter reads as follows:

> We governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998. This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

Think about that. We are not going to allow a temporary repository at Yucca Mountain until we get a final decision. That legislation was defeated. The Secretary and perhaps others suggested they take title to the fuel. By taking title to the fuel, that does just that: It takes title in each of 40 States.

It provides no guarantee as to when or if it will be moved. As a consequence, 40 States have no assurance it will leave their State.

Every Member of this body representing the 40 States that have nuclear power should be very concerned about the implications of this.

In deference to the Secretary of Energy, my good friend, Secretary Richardson, assured me he would be able to adequately address the concerns of the Governors. I think he made a good-faith effort. Obviously, it was not enough. Perhaps the reason it was not enough—and this is certainly not the fault of the Secretary—was the inability of the Government to commit to its word to take the waste in 1998. It was not under his watch. The Government simply could not resolve it, so it was not done.

I want to stress the significance of what this means to these States that have expressed their concern. They are fearful that taking title in their State would create semipermanent, federally controlled, used nuclear fuel facilities in each of the States. They continue with more food for thought that I think is appropriate. They say:

The plan proposes to use our electric consumer monies which were paid to the federal government for creating a final disposal repository for used nuclear fuel. Such fuels cannot legally be used for any other purpose than a federal repository.

They don't have that in mind.

This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.

These new federal nuclear waste facilities would be on river fronts, lakes and seashores which would never be chosen for permanent disposal of used nuclear fuel in a site selection process.

The plan constitutes a major federal action which has not gone through the National Environmental Policy Act (NEPA) review process.

It is interesting that the Government agencies conveniently go around some of the regulations that others cannot get around.

The new waste facilities would likely become de facto permanent disposal sites.

Listen to that, ''permanent disposal sites.'' That could happen in any of your States.

Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these Federal sites will remove the political motivation to complete a final disposal site.

It will remove the political motivation. Those are pretty strong words.

The last page reads:

We urge you to retract Secretary Richardson's proposed plan and instead support establishing centralized interim storage at an appropriate site. This concept has strong, bipartisan support and results in the environmentally preferable, least-cost solution to the used nuclear fuel dilemma.

There it is: The inability of the Governors and the administration to provide the Governors with the degree of comfort they need to ensure it will not become permanent, and that we, in this legislation in its final form, have changed the take title provision and eliminated it, in view of the reality associated with the inability to provide the States with the assurance that the waste would be removed from those States.

I had hoped the administration and the Secretary of Energy would be successful in allaying fears. Probably the reason they have not been able to do so is because there is no assurance that they could move any further than we did in 1998 when we could not make the contractually related commitment to take the waste at that time.

I will make a couple of other points that I think represent good faith in the manner in which we tried to resolve concerns of the minority. This included a 180-day window when contract holders must decide whether to enter into settlement negotiation with the Secretary. That is back in the bill at the request of the minority. We think it is appropriate that a process be started.

I think it is fair to characterize that Senator BINGAMAN and Secretary Richardson felt this must be an appropriate inclusion of this provision to allow the Department of Energy planning process to go ahead.

I want to touch briefly on transportation. I know there has been a good deal of concern; people say they don't want the stuff to go through their State, and that is understandable. What we have done in accordance with the minority is to use the WIPP transportation model, which is a model I think I can say Senator BINGAMAN and Secretary Richardson support. Basically, it comes down to the State designating the routes to move the waste.

We have also included in existing law a training provision to make the transportation as safe as possible.

There was a question of transmutation. I think I have addressed that.

But one other point I would like to make to my colleagues from Nevada is how we have attempted to accommodate a concern they had about what was in the bill. First of all, if I could have the attention of my two colleagues from Nevada, because I think this is important, in the original bill we had payments to local communities. I was sensitive to the impact of the ultimate disposition of perhaps finalizing a permanent repository in the State of Nevada. As a consequence, there are annual payments of $2.5 million. I think they would go for about 5 years. It would be about $12.5 million to the local counties. Then there was another $5 million to come in on the first fuel receipt that would come in, and then annual payments after the first receipt until closure. We do not know when the closure is, but it would be about $5 million a year. I think, if we figured the repository would go until about the year 2042, that is about $140 million to your counties.

At the insistence of the minority, that funding was eliminated. However, I felt very strongly about the land conveyances that were requested of 76,000 acres—that is twice the size of the District of Columbia, if I can put it in perspective. So we have in this bill 76,000 acres to Nevada: 46,000 acres to Nye County, 30,000 to Lincoln County. This is going to go for a variety of uses: For the city of Caliente, a municipal landfill as well as for community growth and community recreation; Lincoln County, for community growth. For Panaca, Rachel, Alamo, Beatty, Ione, Manhattan, Round Mountain/Smokey Valley, Tonopah, another 28,230 acres; for the towns of Amargosa and Pahrump, another 17,450 acres. These are areas that have been identified for favorable disposal by BLM.

Mr. REID. If the Senator will yield, one thing we have to do is get you to Nevada to hear how to pronounce some of those names.

In the early 1940s and 1950s, we had great football teams at the University of Nevada. They would bring in these football players from around the country, as was done in those days. Marion Motley was a great all-pro Hall of Fame football player. He came and signed up for school. He was going through registration. They asked him where he was from. He said Ely, NV; it is pronounced ''Elee,'' NV. That is how you pronounced the names. Beatty and Amargosa and Pahrump—we are going to have to give some lessons to you on how to pronounce the names. Just as if I went to Alaska, it would be hard for me to pronounce those names.

Mr. MURKOWSKI. I know a lot of people who come to Alaska and visit ''Valdeez'' think it is pronounced ''Valdez.''

But I did want to highlight the fact we have tried to respond to the request for the land conveyances. They are 76,000 acres transferred over to the two counties that would benefit the communities. That is in this bill. I offer it simply as an effort in good faith to be sensitive to concerns I think are very legitimate. That is to transfer the land from Federal agencies that do not have a need for that land to the communities so they can put them on the tax rolls and have it functionally contribute to the economy of the area and benefit the people. I think that is appropriate as well.

I see a few Members here awaiting recognition. It is appropriate I yield the floor. At a later time, it will be my intention to address some of the amendments that are pending.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Nevada.

Mr. REID. I see my friend from North Dakota and my friend from Minnesota are here. I am wondering how long the Senator from Minnesota wishes to speak.

Mr. GRAMS. Probably less than 10 minutes.

Mr. REID. The Senator from North Dakota wants to speak as in morning business for 15 minutes.

I have just a few things to say. If it will be OK with the Senator from North Dakota, as soon as I finish, I ask the Senator from Minnesota be recognized for 10 minutes.

Mr. GRAMS. Somewhere around there; maybe 12. I am just guessing.

Mr. REID. And then I ask the Senator from North Dakota be recognized for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I will be brief. I did want to respond to some of the things that were mentioned by the Senator from Alaska, the manager of this bill.

When I practiced law, I represented a number of automobile dealers. I remember one of the big problems we had is that once in awhile someone would buy a lemon. That is what they were called. Something just went wrong in the manufacture of that car, and whatever was done, it turned out bad; you just could not fix it.

I remember one dealer I represented. There was a man who was picketing his place of business. He had his car painted yellow, and he had it so it looked like a float that looked like a lemon. The dealer told me: You have to settle this case. You have to get rid of this case.

That is kind of how I feel about this legislation. This legislation is a big lemon. Whatever they do with it, it is still bad. It is just like those cars that are lemons.

Senator MURKOWSKI, the manager of this bill, I have no doubt, is doing his very best, and that is usually good enough. In this instance, he is dealing with a lemon and it is not good enough. Take, for example, the fact that everyone knows the 1987 act deleted the State of Washington and the State of Texas and began the characterization of Nevada, Yucca Mountain. That is going forward as we speak, the characterization of Yucca Mountain. S. 1287 was supposed to streamline the process. It would not do that.

For example, there is a provision in S. 1287 that the utilities badly wanted. What did that legislation call for? It said the utilities would no longer hold title to the nuclear waste but title would instead be transferred to the Department of Energy. That was the big purpose of S. 1287. That was the bill, S. 1287. The big part of it was what they call ''take title.''

We were here yesterday at 5:55; 5 minutes before the deadline, amendments were filed, and take title is gone. S. 1287, the take title provision is out of this bill. It is like the proverbial lemon from which we try to protect automobile dealers. For the first time in the history of this legislation, we now have the utilities fighting the States.

The EPA provision that the managers of the bill worked so hard to try to get resolved has made it worse. The problem we have here with the EPA provision is that the manager, recognizing he would rather deal with a Republican President, has inserted a provision in this amendment that puts off the decision by the Environmental Protection Agency until the next administration. He is hoping, of course, that either President MCCAIN or President Bush will be elected.

The fact is, that is a crapshoot, I guess, but it should not be part of this legislation. All it does is further ''lemonize'' this legislation.'' The EPA is concerned about this. The President is concerned about it because it is attempting to make him a lame duck President, attempting to dissipate and do away with the rulemaking power of his agencies. Secretary Richardson is totally opposed to this legislation. As I said, Carol Browner is opposed to it. The League of Conservation Voters is opposed to it; most every other environmental organization is opposed to this bill. So we understand why the League of Conservation Voters—I am using them as just a representative because they speak for everyone, really—are concerned.

This legislation is placed ahead of the Patients' Bill of Rights, public schools, Social Security, prescription drug benefits, and all the other things we need to be talking about, including minimum wage and the juvenile justice bill.

The environmental community considers defeating this bill a major priority during this election year. In fact, I have a letter from Deb Callahan, who is head of the League of Conservation Voters, who has made it clear they may score S. 1287 as it poses ''unacceptable risks to public health and the environment.''

The League of Conservation Voters is not some radical environmental group driving stakes in trees; it is a middle-of-the-road environmental group that speaks for the American public. They are decidedly and appropriately bipartisan.

It is interesting. I prepared these remarks long before the junior Senator from the State of Rhode Island started presiding, but just last year, the League of Conservation Voters honored Senator JOHN CHAFEE, a Republican, for his lifetime and stalwart support for environmental protection. Voting against this bill is about protecting the environment, not just in Nevada, but as the letter indicates, in the 43 States where S. 1287 will accelerate nuclear waste trafficking.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
February 7, 2000.

Re Oppose S. 1287—The Nuclear Waste Policy Amendments Act of 2000.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the bipartisan, political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

The League of Conservation Voters urges you to vote against the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). S. 1287 poses unacceptable risks to public health and to the environment.

The Environmental Protection Agency (EPA) should be in charge of setting the final standard for Yucca Mountain and should set the most protective standard possible. S. 1287 would undermine EPA's standard-setting process by delaying the issuance of a final standard until as late as June 1, 2001. The bill also would require agreement between the Nuclear Regulatory Commission and EPA on the final standard. EPA has already published a proposed standard for Yucca Mountain that appropriately includes a separate standard for groundwater—the most likely avenue for contamination at Yucca Mountain. The NRC's proposed standard does not set a separate groundwater standard, and is designed to accommodate the anticipated failures of Yucca Mountain to contain radionuclides. Further, the NRC's proposed radiation standard is higher than the highest radiation standard recommended by the National Academy of Sciences in its 1995 report on standards for Yucca Mountain.

S. 1287 would put Americans in communities across the nation at risk by mandating dangerous shipments of spent nuclear fuel to an as-yet unidentified ''backup'' storage site from reactors across the country beginning as early as 2006. S. 1287 would dramatically increase nuclear waste shipments, together with the risk of a transport accident involving nuclear waste. Up to 100,000 shipments of nuclear waste will travel through 43 states and within half a mile of 50 million Americans over 25 years.

LCV urges you to vote ''No'' on S. 1287 and to work instead for a national nuclear waste policy based on sound science, citizen involvement, and protection of public health and safety.

LCV's Political Advisory Committee will consider including votes on this issue in compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. REID. Mr. President, my friend from Alaska talked about conveyances of Federal public lands to Nevada. The Senator from Alaska has been very good working with Nevada which has 87 percent of its land owned by the Federal Government. We have worked very well with him. His committee has helped us get parcels of land put in the private sector, but in this instance, the State of Nevada has had no input.

There are about 20 maps on file at the DOE showing where these lands are located. The Governor of the State of Nevada knows nothing about this. Our public lands administrator in the State of Nevada knows nothing about this. I have not been provided copies of these maps, so I assume none of my colleagues have either. No hearings have been held to find out whether the land conveyances are good or bad. We want land in the private sector, but we do not want land conveyed that will have

a negative effect on the people of the State of Nevada. We need to review the proposed land conveyances. These are not small conveyances. This bill could convey land larger than the State of Connecticut from public lands to private lands in the State of Nevada.

This legislation is a big fat yellow lemon. In addition to that, although I usually like the looks of lemons, this is an ugly lemon, and the best thing we can do is vote against this legislation. It is bad legislation, and the amendment of my friend, the Senator from Alaska, is not going to improve it. It just further, as I say, ''lemonizes'' this legislation.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I want to take a few minutes today to express my support for an amendment I was planning to offer, along with Senators SNOWE, COLLINS, and JEFFORDS, to strike the so-called take title provision from S. 1287. I thank Chairman MURKOWSKI for including this in his substitute. We are withholding offering that amendment.

For as long as I have been in the Senate, I have argued that the Department of Energy has a legal responsibility to remove nuclear waste from my home State of Minnesota. We all know the DOE was obligated to begin removing waste from civilian nuclear reactors by January 31, 1998. Sadly, the DOE virtually ignored that date and instead has engaged in a protracted struggle to dodge any responsibility it might have to our Nation's ratepayers.

As everyone in this Chamber knows, Washington's involvement in nuclear power is not new. Since the 1950s Atoms for Peace Program, the Federal Government has promoted nuclear energy in part by promising to remove radioactive waste from powerplants. Congress decisively committed the Federal Government to take and dispose of civilian radioactive waste beginning in 1998 through the Nuclear Waste Policy Act of 1982 and its amendments in 1987. It has been on record for 18 years, a mandate by the Congress, to do this.

These acts established the DOE Office of Civilian Radioactive Waste Management to conduct that program. It selected Yucca Mountain, NV, as the site to assess for the permanent disposal facility. It also established fees of a tenth of a cent per kilowatt hour on nuclear-generated electricity, and it provided that those fees would be deposited into the nuclear waste fund.

Furthermore, it authorized appropriations from this fund for a number of activities, including development of a nuclear waste repository.

Eventually, publication of the standard contract addressed how radioactive waste would be taken, stored, and disposed. The DOE then signed individual contracts with all civilian nuclear utilities promising to take and dispose of civilian high-level waste beginning on January 31, 1998. The DOE signed contracts to do this.

Other administrative proceedings, such as the Nuclear Regulatory Commission's waste confidence rule, told the American public they should literally bank on the Federal Government's promises.

This point needs to be clearly understood by the Members of this body. Our Nation's nuclear utilities did not go out and invest in nuclear power in spite of Federal Government warnings of future difficulties. Instead, they were encouraged by the Federal Government to turn to nuclear power to meet our increasing energy demands. Utilities and States were told to move forward with investments in nuclear technologies because it is a sound source of energy production, and the Federal Government's support for nuclear power was based on some very sound considerations.

First, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor, so there are no emissions released in the atmosphere. In fact, nuclear energy is responsible for over 90 percent of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable baseload source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity.

Third, nuclear energy is a homegrown technology, and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the world's largest nuclear-producing country. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power, again, because of its reliability, because of its environmental benefits, and its value to energy independence. For those reasons, the Federal Government threw one more bone to our Nation's utilities. It said: If you build nuclear power, we will take care of your nuclear waste, we will build a repository, and we will take it out of your State. Again, they told the public: You can bank on those promises by the Federal Government.

In response to those promises, States across the country took the Federal Government at its word. It allowed civilian nuclear energy production to move forward.

As we all know, ratepayers agreed to share some of the responsibilities but were promised some things in return. They agreed to pay a fee attached to their energy bill in exchange for an assurance that the Federal Government meet its responsibility to manage any waste storage facilities.

Because of those promises and measures taken by the Federal Government, ratepayers have now paid roughly $16 billion, including interest, into the nuclear waste fund. Today, these payments continue, exceeding $600 million annually or about $70,000 for every hour for every day of the year. For the ratepayers of Minnesota, these contributions have claimed over $300 million of their hard-earned money since the creation of the nuclear waste fund.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, States agreed to host nuclear powerplants, and the ratepayers assumed the responsibility of investing into the long-term storage of nuclear waste. Still nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility— — let me say that again—because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility.

Now we can all argue all day long on the floor of this Chamber on the merits of nuclear power. But we cannot stand here on the Senate floor and deny that the Federal Government promoted nuclear power and that the Federal Government promised to take care of nuclear waste.

Taking title to the waste does not fulfill that promise.

Unfortunately, if the DOE is allowed to take title to nuclear waste at the plant site, I can't provide the ratepayers of my State with any reason to believe the waste will eventually be moved.

Allowing the DOE to take title to waste and to leave it at the reactor site is an invitation to even more ratepayer abuse at the hands of the Department of Energy. I think the record of the DOE has shown that this administration would much rather leave waste where it is than move it to a centralized storage facility.

A number of my colleagues in the Senate have suggested the same thing. I don't believe that is a good policy, nor is it the policy in which the ratepayers of Minnesota have so generously invested—again, not only in Minnesota but across this country.

I met yesterday with Minnesota's Commerce Commissioner, Steve Minn. He made it very clear to me that for States, the most objectionable aspect of this bill is the take title provision. He indicated that the provision is viewed with extreme skepticism by the State of Minnesota.

I understand why.

I know Senator MURKOWSKI has read from the letter the Governors, along with Governor Ventura of Minnesota, have written and sent to President Clinton dealing with this problem. It says:

We governors from states hosting commercial nuclear power plants and from affected

states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources Committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obligated to begin removing in January 1998.

The Department of Energy says: Oh, we'll pay for it. But where are they going to get the money? They are going to take it from the ratepayers or the taxpayers. So basically this is a punt by the Department of Energy—again, not committed to those contracts that it signed with all the States.

This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our states.

This letter states some of the objections by the Governors:

This plan abridges states rights—it constitutes federal takings and establishes new nuclear waste facilities outside of state authority and control.

The Governors went on to say, in their objection to the take title provision offered by Secretary Richardson of the Department of Energy:

The new waste facilities would likely become de facto permanent disposal sites [some 100 sites across the country]. Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these federal sites will remove the political motivation to complete a final disposal site.

The Governors across the states that are affected are very concerned. Again, I understand why.

Quite reasonably, States don't want to see the Federal Government take up permanent residence at these waste sites. It is the nuclear waste equivalent to having the fox guard the hen house.

Allowing the Federal Government control of waste sites removes a State's oversight role. It removes the State's authority and control over these sites and it does not—I underline that—it does not remove waste from Minnesota or any other State.

In closing, I ask my colleagues to listen to the Governors of our States and to vote to remove the take title provision from this legislation, in other words, support Chairman MURKOWSKI's substitute.

With this bill, we need to lock in transportation provisions, protect the ratepayers from increases in their contribution, facilitate a constructive resolution to the radiation standard dispute, and also advance the goal of completing a national repository for the permanent storage of nuclear waste.

We do not need to provide the DOE with an excuse to leave waste stranded permanently in Minnesota and across the country.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. As previously ordered, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I had sought permission to speak as in morning business—not on this bill—for 15 minutes. I shall not take that entire time.

PROTECTING SMALL BUSINESSES

Mr. DORGAN. Mr. President, this morning there was a story in a daily newspaper in my State, the Bismarck Tribune, entitled ''National candy company takes on Mandan couple.'' It is a curious story, an interesting story, and one that is perhaps repeated all too often around the country. It concerns a type of business dispute in which one company alleges that another company is doing something that intrudes upon the rights of the first company.

As corporations become larger through mergers and acquisitions, all too often we see big companies trying to muscle mom-and-pop businesses around. That is what I think this case is about.

For those of us who care about small businesses and stand up for the rights of entrepreneurs, people who work hard, people who risk almost everything to make a go of it on Main Street, this kind of story is pretty ominous. Let me describe what it is about.

It is about a small business in Mandan, ND, run by Debbie and Russel Kruger. They run a drugstore and soda fountain on the main street of Mandan; and to try to make a little extra money, they make homemade candy. Debbie Kruger has created three different candy bars, and she markets these candy bars as well.

It is a good small business. They are not making a fortune, but they are struggling and doing business on the main street of Mandan, ND.

If I might, with the permission of the Chair, I ask unanimous consent to show the Lewis & Clark Bar on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. It is a candy bar that has on its wrapper a picture of Lewis and Clark, and buffalo, and the young Indian woman, Sakakawea, who guided Lewis and Clark across the West. It is a milk chocolate candy bar called the Lewis & Clark Bar, designed by Debbie Kruger in 1997.

She did this because we are coming up to the 200th anniversary of the Lewis and Clark Expedition. There will be celebrations up and down the route that Lewis and Clark took. They stayed the winter in Mandan, ND—about 40 miles north. They spent the entire winter there. They spent more time in North Dakota than any where else on their trip.

The 200th anniversary—1804, 1805, 1806—will bring enormous visitation to the Lewis and Clark route. So Debbie Kruger, created a candy bar, the Lewis & Clark Bar.

She produced 20,000 to 30,000 bars. She sold about 20,000; and 10,000 are on shelves or in inventory.

Then she got a letter from a lawyer in Boston, MA. That is ominous enough, just getting a letter from a lawyer in Boston, MA.

The lawyer wrote:

''I represent New England Confectionery Company (Necco).'' I know Necco. I have been eating Necco products since I was a little kid.

The letter continues that a matter has come to the attention of this lawyer for the New England Confectionery Company. The matter that has come to his attention? There is a candy bar in Mandan, ND, named the Lewis & Clark Bar. What does that mean?

He says his company has produced this bar—it is the Clark Bar—and this woman has infringed on our rights by using the name, Lewis & Clark Bar. She must cease and desist, he says. We seek an arrangement. We demand she suspend operations.

The small business has to go hire a lawyer, who writes back and says: This is not an infringement. This is a different candy bar, a different wrapper. We aren't infringing on anything.

The Necco lawyer writes back from Boston—I guess one has to go to a special law school to do this—and says: The differences between your client's candy bar and my client's candy bar are not the kinds of differences that dispel confusion. ''They are both candy bars,'' he says. Where do they train lawyers like this? Where on Earth could such lawyers come from?

He says, ''We seek an arrangement.'' We know what that means. They seek some money. Then at the end, of course, they demand that the registration for the Lewis and Clark bar be withdrawn and ''assigned to us,'' and so on.

Now, the corporation that owns this confectionary company—Necco—is actually the United Industrial Syndicate. They do mill works. They make automobile parts, truck parts. And yes, they make candy bars, including the Clark bar. That candy bar was named after a Mr. Clark who lived in the 1880s in Pittsburgh and started the company that made the bar.

The United Industrial Syndicate bought this company at a bankruptcy sale in 1999. It has nothing to do with Lewis & Clark. But here is a Boston lawyer, working on behalf of this company, this corporate conglomerate, who thinks the name Lewis & Clark apparently belongs to them. Sorry, it doesn't.

Debbie and her husband weren't looking for a fight. They don't have the money to spend on a battery of lawyers. They are a small business trying to make a living.

What is happening here is wrong, but it happens all the time. It is a form of corporate bullying. It is throwing your weight around, if you are big enough to do it.

My message for Necco is: Pick on somebody your own size. I am one of your customers. I can't walk past a candy counter without stopping, if